

REMARKS:

Favorable reconsideration of this application is respectfully requested.

Claims 1 and 8 were rejected under 35 U.S.C. section 112, as being indefinite. Claim 1 was objected to because it stated that the filtered outlet opens out of the filter housing from the interior of the filter, while the last portion of the claim recited backwash collected material dislodged from the filter outer surface exiting the housing through the filtered outlet. This language is clarified in claim 1 as above amended. Claim 8 was found to depend from canceled claim 5 rather than from claim 1. Claim 8 is amended above to depend from claim 1.

Claim 1 was rejected under 35 U.S.C. section 103(a) as being unpatentable over Fletcher, et al (U.S. 3,907,686) in view of DeVisser, et al., (U.S. 4,297,209), which were both newly cited. The Action states that Fletcher discloses -fluid being filtered passing through the filter to an interior downstream filtered outlet ... with means 13 to clean the filter by way of a spray tube having a plurality of apertures to allow jets of backwash fluid to dislodge material on the inner and outer surfaces of the filter. ... The claim differs in requiring the backwashing tube to be rotatable. However DeVisser teaches a self-cleaning cylindrical filter with outside/in flow during operation with a backwash shower/spray assembly that rotates within the filter element ... the filter uses including paper manufacturing facilities ...-

While DeVisser may teach a rotating backwash shower/spray assembly, a problem is that debris dislodged from the filter does not have a direct flow path out of the filter chamber. As shown in DeVisser FIGURE 4, dislodged debris must flow longitudinally within the cylindrical housing 17 between the filter element 31 and the housing peripheral wall 21 to and against an annular wall 47 extend across the housing periphery, whereupon the flowing debris must make a right angle turn, and upon abruptly changing flow direction must move along and around annular wall 47 to exit through a perpendicular solids outlet pipe 66 in the side of the housing. As a result the flow of debris is hampered and slowed, and debris could accumulate on annular wall 47, blocking entrance to solids outlet pipe 66.

Claim 1 is amended above to recite the structure of the present bypass outlet 26, claim 1 now reading in part:

generally cylindrical housing with a cylindrical housing longitudinal axis and two opposing housing longitudinal ends containing a generally cylindrical filter defining a filter interior, ... and a bypass outlet opening out of one of said housing longitudinal ends along said housing longitudinal axis, ...

such that the fluid passes through said filter and dislodges material collected on the filter outward surface which flows between the filter and the housing and directly exits said cylindrical housing through said filtered bypass outlet.

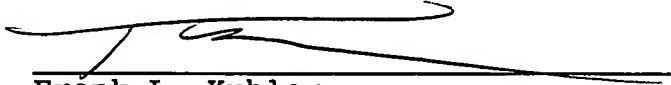
As a result of this construction, debris does not have to flow against and abut a perpendicular wall and then change direction to flow around an annular surface and converge at and exit out of a side pipe. Instead, debris dislodged from the present filter flows in a single direction between the filter and the housing wall along a uninterrupted path out of an outlet in the housing longitudinal end, achieving smooth, unobstructed and reliable debris discharge. It is believed that this structural and functional difference patentably distinguishes the present invention as recited in claim 1 from the cited art. Therefore claim 1 and claim 8 depending therefrom is believed to be allowable.

In view of the foregoing considerations, it is respectfully urged that amended claim 1 and 8 be allowed. Such action is respectfully requested.

If there are any reservations about allowing these claims, a telephone interview is respectfully requested.

A Petition for Extension of Time is enclosed together with a Credit Card Payment Form for the extension fee. And since the Action was Final, a Request for Continued Examination (RCE) and a Credit Card Payment Form (in addition to the extension fee Credit Card Payment Form) for the RCE fee are enclosed.

Respectfully submitted,



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 20th day of February, 2009.

Signed: _____

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Applicant: Alberto DiBella
Serial No. : 10/719,825
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Examiner: Joseph W. Drodge Art Unit: 1723